

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES

Plaintiff,

v.

TEXAS, ET AL

Defendant(s).

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Civil Action No. 2:13-cv-193 (lead)
(consolidated w/ 2:13-cv-263)

**DEFENDANTS' MOTION TO DISMISS THE AMENDED COMPLAINT IN
INTERVENTION OF PLAINTIFF-INTERVENORS TEXAS ASSOCIATION
OF HISPANIC COUNTY JUDGES ET AL.**

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I. FOR REASONS ADDRESSED IN THE STATE’S ORIGINAL MOTION TO DISMISS, THE CLAIMS BY PLAINTIFF HIDALGO COUNTY ALSO SHOULD BE DISMISSED.

The Texas Association of Hispanic County Judges and County Commissioners et al., have amended their complaint to add Hidalgo County as a plaintiff.¹ See Amnd. Comp. (Doc. # 153). For all the reasons explained in the State’s original motion to dismiss, see Mot. to Dismiss, (Oct. 25, 2013) (Doc # 52), Hidalgo County’s claims also should be dismissed for failure to state a claim. Hidalgo County has alleged an injury in fact, but the Voting Rights Act was not passed to protect counties from the costs of complying with state law. The VRA protects *voters*, so the remedies the plaintiffs seek depend on their asserting the right of third parties. As we explained in our original motion to dismiss and reply in support, see Doc #52; Doc. # 108, the plaintiffs have failed to plead facts that satisfy the remaining two elements of third-party standing under *Powers v. Ohio*, 499 U.S. 400 (1991), and their insufficient pleadings should be dismissed.

¹ Hidalgo County has yet to seek or obtain the Court’s permission to be added as a party to this lawsuit. We would not oppose such a motion from Hidalgo County.

Respectfully submitted.

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Dated: February 18, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of Defendants' reply brief was served via the *CM/ECF system* on February 18, 2014, to:

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